

SENATE BILL No. 95

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-2-2; IC 35-33-1-4.

Synopsis: Motor vehicle stops. Allows a law enforcement officer who is not in uniform or operating a marked police car to make a traffic arrest involving a felony or a misdemeanor that involves a breach of the peace.

Effective: July 1, 1999.

Kenley

January 6, 1999, read first time and referred to Committee on Judiciary.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 95

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-30-2-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 2. **(a)** A law enforcement officer
3 may not arrest or issue a traffic information and summons to a person
4 for a violation of an Indiana law regulating the use and operation of a
5 motor vehicle on an Indiana highway or an ordinance of a city or town
6 regulating the use and operation of a motor vehicle on an Indiana
7 highway unless at the time of the arrest the officer is:
8 (1) wearing a distinctive uniform and a badge of authority; or
9 (2) operating a motor vehicle that is clearly marked as a police
10 vehicle;
11 that will clearly show the officer or the officer's vehicle to casual
12 observations to be an officer or a police vehicle.
13 **(b)** This section does not apply to an officer making an arrest when
14 there is a uniformed officer present at the time of the arrest.
15 **(c) A person who:**
16 **(1) is a law enforcement officer;**
17 **(2) is not at the time of an arrest for a violation of an Indiana**



1 law regulating the use and operation of a motor vehicle on an
 2 Indiana highway or an ordinance of a city or town regulating
 3 the use and operation of a motor vehicle on an Indiana
 4 highway:

5 (A) wearing a distinctive uniform and a badge of
 6 authority; or

7 (B) operating a motor vehicle that is clearly marked as a
 8 police vehicle; and

9 (3) would be authorized to make an arrest under IC 35-33-1-4
 10 if the person were not a law enforcement officer;
 11 may arrest a person under IC 35-33-1-4.

12 (d) In addition to complying with IC 35-33-1-4(b), a person
 13 making an arrest under subsection (c) must, as soon as practical
 14 after stopping the person being arrested:

15 (1) indicate that the person is a law enforcement officer;

16 (2) show the person being arrested a badge of authority; and

17 (3) explain that the person being arrested is being detained
 18 until a uniformed law enforcement officer arrives.

19 SECTION 2. IC 35-33-1-4 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) **Subject to**
 21 **IC 9-30-2-2**, any person may arrest any other person if:

22 (1) the other person committed a felony in his presence;

23 (2) a felony has been committed and he has probable cause to
 24 believe that the other person has committed that felony; or

25 (3) a misdemeanor involving a breach of peace is being
 26 committed in his presence and the arrest is necessary to prevent
 27 the continuance of the breach of peace.

28 (b) A person making an arrest under this section shall, as soon as
 29 practical, notify a law enforcement officer and deliver custody of the
 30 person arrested to a law enforcement officer.

31 (c) The law enforcement officer may process the arrested person as
 32 if the officer had arrested him. The officer who receives or processes
 33 a person arrested by another under this section is not liable for false
 34 arrest or false imprisonment.

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